

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
NORTHERN DIVISION**

**GREGORY ROSE
#34800**

PLAINTIFF

v.

NO: 3:19-CV-00347-LPR

CATHERINE DEAN, *et al.*

DEFENDANTS

ORDER

Plaintiff Gregory Rose (“Plaintiff”), in custody at the Mississippi County Detention Center, filed this case *pro se*, without prepayment of the \$400.00 filing fee or an Application to Proceed Without Prepayment of Fees and Affidavit. (Doc. No. 1). To proceed with this action, Plaintiff must either pay the statutory filing fee or complete an Application to Proceed Without Prepayment of Fees and Affidavit within 30 days from the entry of this Order. If he does not do one or the other within 30 days, his case will be dismissed without prejudice. LOCAL RULE 5.5(c)(2).

Under the Prison Litigation Reform Act (“PLRA”), a prisoner who is permitted to file a civil action *in forma pauperis* still must pay the full statutory filing fee. 28 U.S.C. § 1915(b)(1). The cost for filing a new civil case is \$400.00 which includes a \$50 administrative fee that does not apply to persons granted *in forma pauperis* status under 28 U.S.C. § 1915. The only question is whether a prisoner will pay the entire filing fee at the initiation of the proceeding or in installments over a period of time. *Ashley v. Dilworth*, 147 F.3d 715, 716 (8th Cir. 1998). Even if a prisoner is without assets and unable to pay an initial filing fee, he will be allowed to proceed with his 42 U.S.C. § 1983 claims, and the filing fee will be collected by the Court in installments from the prisoner’s inmate trust account. 28 U.S.C. § 1915(b)(4). If the prisoner’s case is subsequently dismissed for any reason, including a determination that it is frivolous, malicious, fails to state a claim, or seeks monetary relief against a defendant who is immune from such relief,

the full amount of the filing fee will be collected, and no portion of this filing fee will be refunded to the prisoner.

To proceed *in forma pauperis*, the PLRA requires that Plaintiff submit a completed Application to Proceed Without Prepayment of Fees and Affidavit, along with calculation sheets prepared and signed by an authorized officer of the Mississippi County Detention Center.

It is therefore ordered that:

1. Plaintiff must submit either (1) the statutory filing fee of \$400, or (2) a properly completed Application to Proceed Without Prepayment of Fees and Affidavit, with the required calculation sheet signed by an authorized official of the facility at which he is confined, within thirty (30) days of the entry date of this Order. If he does not do one or the other within 30 days, his case will be dismissed without prejudice. LOCAL RULE 5.5(c)(2).

2. The Clerk shall send to Plaintiff an Application to Proceed Without Prepayment of Fees and Affidavit and a filing fee calculation sheet.

IT IS SO ORDERED this 4th day of December, 2019.

Lee P. Rudofsky
UNITED STATES DISTRICT JUDGE